

the question of fairness, in my mind at least. I don't think that the last amendment was fair. This is arguably fair. But the way this particular amendment is drafted, I think there are a number of problems and I think that there's a very real question in terms of philosophy, but to go through, first of all, the technical problems, Senator Coordsen has conveyed to you, accurately insofar as I can ascertain, the fence law, a basic outline of the fence laws that applies to private landowners and also as it applies to railroads. However, in this particular amendment, the trails are not limited, the trails to which this fencing law would apply are not limited to abandoned railroad property, but they would apply to all trails that are developed under the act as it's enacted. So, therefore, I'm not sure why at all the analogy of railroad would be applicable. I mean, I'm not sure the analogy of the railroad law should be applicable anyway in that there are not dangerous locomotives that are going to be coming down the trail that would be dangerous to farmers or to workers on the farm or, more importantly, more likely to livestock, and I think that that was one of the principal reasons why the railroad was held to such a high standard on fencing. So he's gone beyond abandoned railroad right-of-way and is attempting to apply the railroad right-of-way law on fencing to situations that are...that don't even involve railroad property so I don't think that that's appropriate. This land, whether or not it's railroad property, might be owned, for example, by an NRD. The MoPac line likely will be owned by an NRD, for example, for at least an interim period of time. And, Senator Coordsen, if I'm correct, an NRD that owns land basically has the same obligations as another private owner that's adjoining you. Is that not correct?

SENATOR COORDSEN: I would imagine, since they're not mentioned any place else insofar as fences, that would be correct. However, as a general practice, they do provide the fencing.

SENATOR BEUTLER: As a political matter.

SENATOR COORDSEN: As a political matter..

SENATOR BEUTLER: Yes.

SENATOR COORDSEN: ..they do provide the fencing, but I do not believe they're required to go beyond our normal boundary fence law.